

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

COMMIL USA, LLC

vs.

CISCO SYSTEMS, INC., ET AL.

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CASE NO. 2:07-CV-341-TJW-CE

MEMORANDUM ORDER

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendation for the disposition of Symbol's motion (#35) to dismiss, has been presented for consideration. No objections were filed to the Report and Recommendation. The court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the report of the United States Magistrate Judge as the findings and conclusions of this court. Accordingly, the court denies Symbol's motion to dismiss.

SIGNED this 25th day of September, 2008.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE